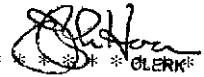


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
NOV 28 2005


CLERK

KAREY NIENABER, on behalf of herself and all others similarly situated,	*	CIV. 04-4054
	*	CIV. 05-4130
Plaintiff,	*	MEMORANDUM OPINION AND
	*	ORDER GRANTING JOINT MOTION
vs.	*	TO CONSOLIDATE CIVIL No. 05-4130
	*	INTO CIVIL NO. 04-4054
CITIBANK (SOUTH DAKOTA) N.A.,	*	
Defendant.	*	
	*	
LISA M. ROMANELLI, on behalf of herself and others similarly situated,	*	
	*	
Plaintiff,	*	
vs.	*	
ASSOCIATES NATIONAL BANK,	*	
Defendant.	*	

The parties have submitted a Joint Motion to Consolidate Civil No. 05-4130 into Civil No. 04-4054. For the reasons discussed below, the Joint Motion to Consolidate is granted.

On April 27, 2004, Plaintiff Karey Nienabar, on behalf of herself and all others similarly situated, commenced a class action in the United States Federal District Court of South Dakota. Nienabar Doc. 1. Nienabar's Amended Complaint, which was filed on May 19, 2004, alleged that Defendant Citibank (South Dakota), N.A., impermissibly accessed certain cardmembers' credit reports in violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681b, 15 U.S.C. § 1681o, and 15 U.S.C. § 1681n. Nienabar Doc. 9.

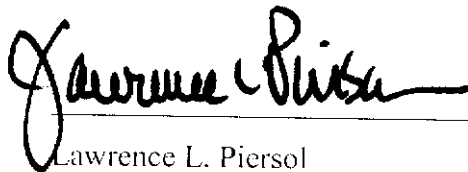
On July 30, 2004, Plaintiff Lisa Romanelli, on behalf of herself and all others similarly situated, commenced a class action in the United States District Court for the Eastern District of Pennsylvania alleging that Defendant Associates National Bank impermissibly accessed certain cardmembers' credit reports in violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681b, 15 U.S.C. § 1681o, and 15 U.S.C. § 1681n. After Romanelli and Associates National Bank filed a joint motion to transfer venue to the United States Federal District Court of South Dakota, Judge Eduardo C. Robreno ordered the transfer of venue, and the United States Federal District Court of South Dakota assumed jurisdiction over this matter. The parties agree that at all times relevant to the Romanelli Action, Citibank has been the successor-in-interest to Associates National Bank.

Federal Rule of Civil Procedure 42(a) allows a court to order actions consolidated when the actions involve a common question of law or fact, and to make such orders to avoid unnecessary costs or delay. *See Mary Ellen Enterprises, Inc., v. Camex, Inc.*, 68 F.3d 1065, 1073 (8th Cir. 1995). After reviewing the relevant pleadings and applicable law, this Court has concluded that consolidation is appropriate in this case. Accordingly,

IT IS ORDERED that the Joint Motion to Consolidate Civil No. 05-4130 into Civil No. 04-4054 (Nienobar Doc. 44) (Romanelli Doc. 44) is granted.

Dated this 25th day of November, 2005.

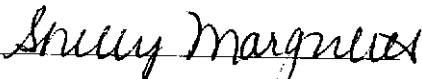
BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

(SEAL) DEPUTY